

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

LARRY W.,<sup>1</sup>

Plaintiff,

v.

Civil No. 2:23cv165

MARTIN O'MALLEY,  
Commissioner of Social Security,<sup>2</sup>

Defendant.

FINAL ORDER

Plaintiff Larry W., by counsel, brought this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration ("Commissioner") denying his claim for disability insurance benefits under Title II of the Social Security Act. ECF No. 1. This matter was referred to a United States Magistrate Judge for a Report and Recommendation ("R&R"), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72(b) of the Federal Rules of Civil Procedure. The Magistrate Judge filed the R&R on July 1, 2024, recommending that the final decision of the Commissioner be affirmed and that this matter be

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<sup>1</sup> The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that federal courts use only the first name and last initial of any non-government parties in Social Security cases due to privacy concerns endemic to such cases.

<sup>2</sup> The Court substitutes Martin O'Malley, sworn in as Commissioner on December 20, 2023, for Acting Commissioner Kilolo Kijakazi as Defendant in this suit pursuant to Rule 25(d) of the Federal Rules of Civil Procedure. No further action need be taken to continue this suit as stated in the last sentence of section 405(g) of the Social Security Act. 42 U.S.C. § 405(g).

dismissed with prejudice. ECF No. 15, at 9.

By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. The Court has received no objections to the Magistrate Judge's R&R, and the time for filing objections has expired.

Having reviewed the relevant portions of the record and finding no clear error in the Magistrate Judge's findings or reasoning, the Court hereby **ADOPTS** in full the findings and recommendations set forth in the R&R.<sup>3</sup> Accordingly, the final decision of the Acting Commissioner is **AFFIRMED**, Plaintiff's motion for summary judgment, ECF No. 8, is **DENIED**, and this matter is **DISMISSED WITH PREJUDICE**.

The Clerk shall forward a copy of this Final Order to counsel of record for the parties.

IT IS SO ORDERED.

 /s/

Mark S. Davis

CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia  
July 24, 2024

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<sup>3</sup> As no objections to the R&R were filed, this Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note).